IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1244 OF 2005
IN
GARNISHEE NOTICE NO.973 OF 2005
IN
EXECUTION APPLICATION NO.204 OF 2002
IN
ARBITRATION PETITION NO.260 OF 2000
IN
SUIT NO.OF 2000

M/s.Unique Integrated Transport & Management Consultants Pvt. Ltd., Mumbai ..Petitioner.

Vs.

Mahanagar Telephone Nigam Ltd. ..Respondents.

Ms.S.I.Shah for the Applicants.

CORAM : S.J. VAZIFDAR, J.
DATED : 6TH FEBRUARY, 2006

P.C. :

The Chamber Summons has been taken out by the Respondent for quashing and setting aside the above Garnashee Notice dated 2.8.2005.

2. The Chamber Summons ought to be allowed for a purely technical reason. The warrant of attachment was issued on 7.6.2002. By a letter dated 18.6.2002 the Prothonotary and Senior Master informed the Sheriff of Bombay not to act on the warrant of attachment as the same had been cancelled as bad and

illegal.

3. The Sheriff of Bombay, if turn, informed the garnishee that the attachment levied under the said warrant of attachment was raised pursuant to the order date 18.6.2002 passed by the Prothonotary and Senior Master.

4. The Respondents thereafter took out Chamber Summons No.751 of 2004 to challenge an order passed by the Taxing Master dated 21.4.2004. The Chamber Summons was dismissed by a order dated 5.8.2004.

5. Thereafter the matter appeared before the Taxing Master on 6.9.2004. The learned Taxing Master by an order dated 6.9.2004 held that the decree could not be settled as a decree in terms of the award had not been granted as required by the Original Side Rule 787(5).

6. It appears thereafter the Petitioner filed an Arbitration Petition No.165 of 2005 for a decree in terms of the award. The petition was dismissed for default. The same has not been restored till date. Despite the aforesaid position, on 2.8.2005 a fresh Garnishee Notice dated 2.8.2005 was issued to the

State Bank of India. In view of the aforesaid position the same could not have been issued.

7. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). In view thereof, it is not necessary to decide prayer (b) of the Chamber Summons at this stage.

Chamber Summons stands disposed of accordingly.